

detected and the mode change occurs as a function of that detected impairment – not because the user has been required to take some independent extra action.

This automatic *modus operandi* of the applicant's invention has been described throughout the originally filed specification – albeit the word “automatic” was not used.

For example, the very first paragraph of the application specification explains that the invention relates to a device in which the user interface of a mobile personal device is modified according to physical and location context. This paragraph also explicitly notes that the detected physical and location attributes may be used to modify the interface of the teleconferencing device.

In the summary section at the last portion of page 1 of the original specification, it is also specifically noted that the user interface is “responsive to an output of the physical detector in respect of said user to make a corresponding adjustment to output...”. If the user interface responds to an output of the physical detector should make a corresponding adjustment in output of the visual display and/or audio output, then clearly such has been achieved “automatically” because no extra human action is required to cause the change in the interface. Similar comments are made in the first three paragraphs on page 2 where, among other things, it is noted that preferably the audio output and visual display output are dependent upon the location attributes of the user.

The more detailed description of exemplary embodiments is also replete with similar teachings. Note, for example, at page 9, beginning at line 13, the exemplary embodiments are described as including an interface for alerts and teleconferencing that are dependent upon the user's current location and physical context (i.e., is the user's standing/walking/sitting, etc.). As

described, if the user is unlikely to be able to attend to a visual display, then an audio interface is used. If the user is likely to be unavailable (e.g., running), then the device could divert alerts to a messaging service. Configuring the audio output on the user's device to match the detected acoustics, ambient noise level, etc. of the real world space in which the user is located is also described. Changing the ring tone as a function of detected location attributes is also described as is changing the visual display interface to reflect the theme of a detected location.

In the paragraph bridging pages 9 and 10 of the original specification, it is noted that analysis of visual and audio information received from visual/audio input output devices is provided as part of the interface unit and can be used with standard speech and video analysis algorithms to provide a more sophisticated interface to the user. For example, an algorithm identifying speech within an audio stream could be used to divert audio from the user's handset or to change the ring tone if the user is detected to be currently in conversation with someone, etc.

Clearly, one aspect of the applicant's invention that has been repeatedly described throughout the entirety of the original specification and claims is that the user interface can be altered as a function of detected environment without additional human attention or action. Such is the essence of "automatic" device operation.

The continued rejection of claims 17-23, 25-29, 31-33, 35-37, 39, 40 and 42-46 under 35 U.S.C. §102 as allegedly anticipated by Filo '498 is again respectfully traversed.

Filo teaches (at column 10, line 51 et seq.) how communications can be had with an immersed user without the immersed user first removing himself from the virtual environment in which he is immersed. The example given in column 10, line 67 onward is where someone

attempts to call the immersed user. The immersed user's avatar is depicted to have received the call. When the immersed user takes the call, the audio link to the virtual command post (VCP) is disengaged so that the conversation can take place in private. However, what causes the audio link to the VCP to be disengaged, is the immersed user himself "taking [the] incoming call" (column 11, line 3). There is nothing to suggest that, in the words of applicant's claim 19, that the "mobile device" comprises "detecting means for detecting an environmental or physical attribute impairing the ability of the user to continue communication in a currently occurring mode..."

The highlighted reference in Filo thus is nothing more than what happens when a user chooses to use the handset on a speakerphone rather than to use the speaker. There is nothing in the apparatus which detects an impairing attribute and certainly nothing in Filo suggests that the mode of communication is automatically changed. Indeed, there seems to be nothing in the cited part of Filo which teaches that there is a choice in the mode of communication.

The rejection of claims 24, 30 and 34 under 35 U.S.C. §103 as allegedly being made "obvious" based on Filo '498 in view of Nitta '306 is also respectfully traversed.

Fundamental deficiencies of Filo have already been noted above with respect to parent claim 17. Nitta does not supply those deficiencies and therefore it is unnecessary to further discuss the additional deficiencies of this allegedly "obvious" combination of references at this time.

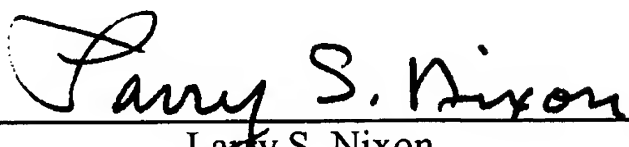
The rejection of claims 38 and 41 under 35 U.S.C. §103 as allegedly being made "obvious" based on Filo in view of Sun '740 is also respectfully traversed – for the same reasons.

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Accordingly, this entire application is still believed to be in allowable condition and a formal Notice of that effect is respectfully submitted.

Respectfully submitted,

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